

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1092**  
**97TH GENERAL ASSEMBLY**

4666S.02T

2014

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**AN ACT**

To repeal sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, and 431.056, RSMo, and to enact in lieu thereof nine new sections relating to child protection, with an existing penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, and  
2 431.056, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as  
3 sections 21.771, 37.710, 210.145, 210.152, 210.160, 210.183, 334.950, 431.056, and 1 to read  
4 as follows:

21.771. 1. There is established a joint committee of the general assembly to be known  
2 as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the  
3 senate and seven members of the house of representatives. The senate members of the joint  
4 committee shall be appointed by the president pro tem and minority floor leader of the senate and  
5 the house members shall be appointed by the speaker and minority floor leader of the house of  
6 representatives. The appointment of each member shall continue during the member's term of  
7 office as a member of the general assembly or until a successor has been appointed to fill the  
8 member's place. No party shall be represented by more than four members from the house of  
9 representatives nor more than four members from the senate. A majority of the committee shall  
10 constitute a quorum, but the concurrence of a majority of the members shall be required for the  
11 determination of any matter within the committee's duties.

12 2. The joint committee shall:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (1) Make a continuing study and analysis of the state child abuse and neglect reporting  
14 and investigation system;

15 (2) Devise a plan for improving the structured decision making regarding the removal  
16 of a child from a home;

17 (3) Determine the additional personnel and resources necessary to adequately protect the  
18 children of this state and improve their welfare and the welfare of families;

19 (4) Address the need for additional foster care homes and to improve the quality of care  
20 provided to abused and neglected children in the custody of the state;

21 (5) Determine from its study and analysis the need for changes in statutory law; [and]

22 (6) Make any other recommendation to the general assembly necessary to provide  
23 adequate protections for the children of our state; **and**

24 **(7) Make recommendations on how to improve abuse and neglect proceedings**  
25 **including examining the role of the judge, children's division, the juvenile officer, the**  
26 **guardian ad litem, and the foster parents.**

27 3. The joint committee shall meet within thirty days after its creation and organize by  
28 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and  
29 the other a member of the house of representatives. The chairperson shall alternate between  
30 members of the house and senate every two years after the committee's organization.

31 4. The committee shall meet at least quarterly. The committee may meet at locations  
32 other than Jefferson City when the committee deems it necessary.

33 5. The committee shall be staffed by legislative personnel as is deemed necessary to  
34 assist the committee in the performance of its duties.

35 6. The members of the committee shall serve without compensation but shall be entitled  
36 to reimbursement for actual and necessary expenses incurred in the performance of their official  
37 duties.

38 7. It shall be the duty of the committee to compile a full report of its activities for  
39 submission to the general assembly. The report shall be submitted not later than the fifteenth of  
40 January of each year in which the general assembly convenes in regular session and shall include  
41 any recommendations which the committee may have for legislative action as well as any  
42 recommendations for administrative or procedural changes in the internal management or  
43 organization of state or local government agencies and departments. Copies of the report  
44 containing such recommendations shall be sent to the appropriate directors of state or local  
45 government agencies or departments included in the report.

46 8. The provisions of this section shall expire on January 15, 2018.

37.710. 1. The office shall have access to the following information:

2 (1) The names and physical location of all children in protective services, treatment, or  
3 other programs under the jurisdiction of the children's division, the department of mental health,  
4 and the juvenile court;

5 (2) All written reports of child abuse and neglect; and

6 (3) All current records required to be maintained pursuant to chapters 210 and 211.

7 2. The office shall have the authority:

8 (1) To communicate privately by any means possible with any child under protective  
9 services and anyone working with the child, including the family, relatives, courts, employees  
10 of the department of social services and the department of mental health, and other persons or  
11 entities providing treatment and services;

12 (2) To have access, including the right to inspect, copy and subpoena records held by the  
13 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions,  
14 public or private, and other agencies, or persons with whom a particular child has been either  
15 voluntarily or otherwise placed for care, or has received treatment within this state or in another  
16 state;

17 (3) To work in conjunction with juvenile officers and guardians ad litem;

18 (4) To file any findings or reports of the child advocate regarding the parent or child with  
19 the court, and issue recommendations regarding the disposition of an investigation, which may  
20 be provided to the court and to the investigating agency;

21 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file**  
22 **such pleadings necessary to intervene on behalf of the child at the appropriate judicial level**  
23 **using the resources of the office of the attorney general;**

24 (6) To initiate meetings with the department of social services, the department of mental  
25 health, the juvenile court, and juvenile officers;

26 (7) To take whatever steps are appropriate to see that persons are made aware of the  
27 services of the child advocate's office, its purpose, and how it can be contacted;

28 (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal,  
29 and interstate agencies, and independent authorities, private firms, individuals, and foundations  
30 to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated  
31 account established within the office to permit moneys to be expended in accordance with the  
32 provisions of the grant or bequest;

33 (9) Subject to appropriation, to establish as needed local panels on a regional or county  
34 basis to adequately and efficiently carry out the functions and duties of the office, and address  
35 complaints in a timely manner; and

36 (10) To mediate between alleged victims of sexual misconduct and school districts or  
37 charter schools as provided in subsection 1 of section 160.262.

38 3. For any information obtained from a state agency or entity under sections 37.700 to  
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and  
40 confidentiality requirements that apply to the state agency or entity providing such information  
41 to the office of child advocate. For information obtained directly by the office of child advocate  
42 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same  
43 disclosure restrictions and confidentiality requirements that apply to the children's division  
44 regarding information obtained during a child abuse and neglect investigation resulting in an  
45 unsubstantiated report.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a  
9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall  
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect  
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported  
15 risk and injury to the child. The division shall promulgate rules regarding the structured  
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
18 including reports which if true would constitute a suspected violation of any of the following:  
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen  
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the  
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than  
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
24 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such  
25 crimes. The division shall immediately communicate all reports that merit investigation to its

26 appropriate local office and any relevant information as may be contained in the information  
27 system. The local division staff shall determine, through the use of protocols developed by the  
28 division, whether an investigation or the family assessment and services approach should be used  
29 to respond to the allegation. The protocols developed by the division shall give priority to  
30 ensuring the well-being and safety of the child.

31 4. When the child abuse and neglect hotline receives three or more calls, within a  
32 seventy-two hour period, from one or more individuals concerning the same child, the division  
33 shall conduct a review to determine whether the calls meet the criteria and statutory definition  
34 for a child abuse and neglect report to be accepted. In conducting the review, the division shall  
35 contact the hotline caller or callers in order to collect information to determine whether the calls  
36 meet the criteria for harassment.

37 5. The local office shall contact the appropriate law enforcement agency immediately  
38 upon receipt of a report which division personnel determine merits an investigation and provide  
39 such agency with a detailed description of the report received. In such cases the local division  
40 office shall request the assistance of the local law enforcement agency in all aspects of the  
41 investigation of the complaint. The appropriate law enforcement agency shall either assist the  
42 division in the investigation or provide the division, within twenty-four hours, an explanation  
43 in writing detailing the reasons why it is unable to assist.

44 6. The local office of the division shall cause an investigation or family assessment and  
45 services approach to be initiated in accordance with the protocols established in subsection 2 of  
46 this section, except in cases where the sole basis for the report is educational neglect. If the  
47 report indicates that educational neglect is the only complaint and there is no suspicion of other  
48 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the  
49 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
50 investigation shall include direct observation of the subject child within twenty-four hours of the  
51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
52 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's  
53 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the  
54 child are not the alleged [abusers] **perpetrators**, a parent of the child must be notified prior to  
55 the child being interviewed by the division. No person responding to or investigating a child  
56 abuse and neglect report shall call prior to a home visit or leave any documentation of any  
57 attempted visit, such as business cards, pamphlets, or other similar identifying information if he  
58 or she has a reasonable basis to believe the following factors are present:

59 (1) (a) No person is present in the home at the time of the home visit; and

60 (b) The alleged perpetrator resides in the home or the physical safety of the child may  
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;

62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or

63 (3) The family has a history of domestic violence or fleeing the community.

64 If the alleged perpetrator is present during a visit by the person responding to or investigating the  
65 report, such person shall provide written material to the alleged perpetrator informing him or her  
66 of his or her rights regarding such visit, including but not limited to the right to contact an  
67 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written  
68 material or have such material read to him or her by the case worker before the visit commences,  
69 but in no event shall such time exceed five minutes; except that, such requirement to provide  
70 written material and reasonable time to read such material shall not apply in cases where the  
71 child faces an immediate threat or danger, or the person responding to investigating the report  
72 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in  
73 a school or child care facility the division shall not meet with the child in any school building  
74 or child-care facility building where abuse of such child is alleged to have occurred. When the  
75 child is reported absent from the residence, the location and the well-being of the child shall be  
76 verified. For purposes of this subsection, child care facility shall have the same meaning as such  
77 term is defined in section 210.201.

78 7. The director of the division shall name at least one chief investigator for each local  
79 division office, who shall direct the division response on any case involving a second or  
80 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
81 investigator shall include verification of direct observation of the subject child by the division  
82 and shall ensure information regarding the status of an investigation is provided to the public  
83 school district liaison. The public school district liaison shall develop protocol in conjunction  
84 with the chief investigator to ensure information regarding an investigation is shared with  
85 appropriate school personnel. The superintendent of each school district shall designate a  
86 specific person or persons to act as the public school district liaison. Should the subject child  
87 attend a nonpublic school the chief investigator shall notify the school principal of the  
88 investigation. Upon notification of an investigation, all information received by the public  
89 school district liaison or the school shall be subject to the provisions of the federal Family  
90 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
91 C.F.R., Part 99.

92 8. The investigation shall include but not be limited to the nature, extent, and cause of  
93 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
94 names and conditions of other children in the home, if any; the home environment and the

95 relationship of the subject child to the parents or other persons responsible for the child's care;  
96 any indication of incidents of physical violence against any other household or family member;  
97 and other pertinent data.

98         9. When a report has been made by a person required to report under section 210.115,  
99 the division shall contact the person who made such report within forty-eight hours of the receipt  
100 of the report in order to ensure that full information has been received and to obtain any  
101 additional information or medical records, or both, that may be pertinent.

102         10. Upon completion of the investigation, if the division suspects that the report was  
103 made maliciously or for the purpose of harassment, the division shall refer the report and any  
104 evidence of malice or harassment to the local prosecuting or circuit attorney.

105         11. Multidisciplinary teams shall be used whenever conducting the investigation as  
106 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
107 shall be used in providing protective or preventive social services, including the services of law  
108 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
109 other agencies, both public and private.

110         12. For all family support team meetings involving an alleged victim of child abuse or  
111 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian  
112 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be  
113 provided notice and be permitted to attend all such meetings. Family members, other than  
114 alleged perpetrators, or other community informal or formal service providers that provide  
115 significant support to the child and other individuals may also be invited at the discretion of the  
116 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian  
117 or custodian and the foster parents may request that other individuals, other than alleged  
118 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or  
119 attends such team meetings, the division or the convenor of the meeting shall provide such  
120 persons with notice of all such subsequent meetings involving the child. Families may determine  
121 whether individuals invited at their discretion shall continue to be invited.

122         13. If the appropriate local division personnel determine after an investigation has begun  
123 that completing an investigation is not appropriate, the division shall conduct a family  
124 assessment and services approach. The division shall provide written notification to local law  
125 enforcement prior to terminating any investigative process. The reason for the termination of  
126 the investigative process shall be documented in the record of the division and the written  
127 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
128 any investigation by law enforcement.

129           14. If the appropriate local division personnel determines to use a family assessment and  
130 services approach, the division shall:

131           (1) Assess any service needs of the family. The assessment of risk and service needs  
132 shall be based on information gathered from the family and other sources;

133           (2) Provide services which are voluntary and time-limited unless it is determined by the  
134 division based on the assessment of risk that there will be a high risk of abuse or neglect if the  
135 family refuses to accept the services. The division shall identify services for families where it  
136 is determined that the child is at high risk of future abuse or neglect. The division shall  
137 thoroughly document in the record its attempt to provide voluntary services and the reasons these  
138 services are important to reduce the risk of future abuse or neglect to the child. If the family  
139 continues to refuse voluntary services or the child needs to be protected, the division may  
140 commence an investigation;

141           (3) Commence an immediate investigation if at any time during the family assessment  
142 and services approach the division determines that an investigation, as delineated in sections  
143 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
144 remain involved in the provision of services to the child and family;

145           (4) Document at the time the case is closed, the outcome of the family assessment and  
146 services approach, any service provided and the removal of risk to the child, if it existed.

147           15. **(1)** Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local  
148 office shall update the information in the information system. The information system shall  
149 contain, at a minimum, the determination made by the division as a result of the investigation,  
150 identifying information on the subjects of the report, those responsible for the care of the subject  
151 child and other relevant dispositional information. The division shall complete all investigations  
152 within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is  
153 **specifically** documented in the information system. **Good cause for failure to complete an**  
154 **investigation shall include, but not be limited to:**

155           **(a) The necessity to obtain relevant reports of medical providers, medical**  
156 **examiners, psychological testing, law enforcement agencies, forensic testing, and analysis**  
157 **of relevant evidence by third parties which has not been completed and provided to the**  
158 **division;**

159           **(b) The attorney general or the prosecuting or circuit attorney of the city or county**  
160 **in which a criminal investigation is pending certifies in writing to the division that there**  
161 **is a pending criminal investigation of the incident under investigation by the division and**  
162 **the issuing of a decision by the division will adversely impact the progress of the**  
163 **investigation; or**



(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If [a child involved in a pending investigation dies] a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding [the death] such death or near-fatal injury is completed.

(3) If the investigation is not completed within [thirty] forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred and twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

19. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

20. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found  
13 by the division and where the division determines the allegation of abuse or neglect was made  
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying  
15 information shall be expunged by the division within forty-five days from the conclusion of the  
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section  
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
19 information shall be retained for five years from the conclusion of the investigation. For all other  
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,  
21 identifying information shall be retained for two years from the conclusion of the investigation.  
22 Such reports shall include any exculpatory evidence known by the division, including  
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the  
24 identifying information shall be removed from the records of the division and destroyed;

25 (3) For reports where the division uses the family assessment and services approach,  
26 identifying information shall be retained by the division;

27 (4) For reports in which the division is unable to locate the child alleged to have been  
28 abused or neglected, identifying information shall be retained for ten years from the date of the  
29 report and then shall be removed from the records of the division.

30 2. Within ninety days, **or within one hundred twenty days in cases involving sexual**  
31 **abuse, or until the division's investigation is complete in cases involving a child fatality or**  
32 **near-fatality**, after receipt of a report of abuse or neglect that is investigated, the alleged  
33 perpetrator named in the report and the parents of the child named in the report, if the alleged  
34 perpetrator is not a parent, shall be notified in writing of any determination made by the division  
35 based on the investigation. The notice shall advise either:

36 (1) That the division has determined by a probable cause finding prior to August 28,  
37 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists  
38 and that the division shall retain all identifying information regarding the abuse or neglect; that  
39 such information shall remain confidential and will not be released except to law enforcement  
40 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged  
41 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's  
42 determination through a review by the child abuse and neglect review board as provided in  
43 subsection 4 of this section; or

44 (2) That the division has not made a probable cause finding or determined by a  
45 preponderance of the evidence that abuse or neglect exists.

46           3. The children's division may reopen a case for review at the request of the alleged  
47 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible  
48 evidence is obtained that the division's decision was based on fraud or misrepresentation of  
49 material facts relevant to the division's decision and there is credible evidence that absent such  
50 fraud or misrepresentation the division's decision would have been different. If the alleged  
51 victim is under the age of eighteen, the request for review may be made by the alleged victim's  
52 parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall  
53 be made within a reasonable time and not more than one year after the children's division made  
54 its decision. The division shall not reopen a case for review based on any information which the  
55 person requesting the review knew, should have known, or could by the exercise of reasonable  
56 care have known before the date of the division's final decision in the case, unless the person  
57 requesting the review shows by a preponderance of the evidence that he or she could not have  
58 provided such information to the division before the date of the division's final decision in the  
59 case. Any person, other than the office of the child advocate, who makes a request to reopen a  
60 case for review based on facts which the person knows to be false or misleading or who acts in  
61 bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity  
62 from any liability, civil or criminal, for providing the information and requesting that the division  
63 reopen the investigation. Any person who makes a request to reopen an investigation based on  
64 facts which the person knows to be false shall be guilty of a class A misdemeanor. The  
65 children's division shall not reopen an investigation under any circumstances while the case is  
66 pending before a court of this state nor when a court has entered a final judgment after de novo  
67 judicial review pursuant to this section.

68           4. Any person named in an investigation as a perpetrator who is aggrieved by a  
69 determination of abuse or neglect by the division as provided in this section may seek an  
70 administrative review by the child abuse and neglect review board pursuant to the provisions of  
71 section 210.153. Such request for review shall be made within sixty days of notification of the  
72 division's decision under this section. In those cases where criminal charges arising out of facts  
73 of the investigation are pending, the request for review shall be made within sixty days from the  
74 court's final disposition or dismissal of the charges.

75           5. In any such action for administrative review, the child abuse and neglect review board  
76 shall sustain the division's determination if such determination was supported by evidence of  
77 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after  
78 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect  
79 review board hearing shall be closed to all persons except the parties, their attorneys and those  
80 persons providing testimony on behalf of the parties.

81           6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
82 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the  
83 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in  
84 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a  
85 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
86 family court division where such a division has been established. The request for a judicial  
87 review shall be made within sixty days of notification of the decision of the child abuse and  
88 neglect review board decision. In reviewing such decisions, the circuit court shall provide the  
89 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may  
90 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
91 shall have the discretion to allow the parties to submit the case upon a stipulated record.

92           7. In any such action for administrative review, the child abuse and neglect review board  
93 shall notify the child or the parent, guardian or legal representative of the child that a review has  
94 been requested.

          210.160. 1. In every case involving an abused or neglected child which results in a  
2 judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

3           (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165  
4 **except proceedings under subsection 6 of section 210.152**, sections 210.700 to 210.760,  
5 sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine  
6 custody or visitation rights under sections 452.375 to 452.410; or

7           (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,  
8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections  
9 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

10          2. **The judge, either sua sponte or upon motion of a party, may appoint a guardian**  
11 **ad litem to appear for and represent an abused or neglected child involved in proceedings**  
12 **arising under subsection 6 of section 210.152.**

13          [2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made  
14 to or by any agency or person, shall have access to all records of such agencies or persons  
15 relating to the child or such child's family members or placements of the child, and upon  
16 appointment by the court to a case, shall be informed of and have the right to attend any and all  
17 family support team meetings involving the child. Employees of the division, officers of the  
18 court, and employees of any agency involved shall fully inform the guardian ad litem of all  
19 aspects of the case of which they have knowledge or belief.

20          [3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge  
21 such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem

22 and appoint another. The appointing judge shall have the authority to examine the general and  
23 criminal background of persons appointed as guardians ad litem, including utilization of the  
24 family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the  
25 safety and welfare of the children such persons are appointed to represent. The judge in making  
26 appointments pursuant to this section shall give preference to persons who served as guardian  
27 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not  
28 giving such preference.

29 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be  
30 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by  
31 any party to the proceedings or from public funds. However, no fees as a judgment shall be  
32 taxed against a party or parties who have not been found to have abused or neglected a child or  
33 children. Such an award of guardian fees shall constitute a final judgment in favor of the  
34 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance  
35 with chapter 513.

36 [5.] 6. The court may designate volunteer advocates, who may or may not be attorneys  
37 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.  
38 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the  
39 authority to examine the general and criminal background of persons designated as volunteer  
40 advocates, including utilization of the family care safety registry and access line pursuant to  
41 sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are  
42 designated to represent. The volunteer advocate shall be provided with all reports relevant to the  
43 case made to or by any agency or person, shall have access to all records of such agencies or  
44 persons relating to the child or such child's family members or placements of the child, and upon  
45 designation by the court to a case, shall be informed of and have the right to attend any and all  
46 family support team meetings involving the child. Any such designated person shall receive no  
47 compensation from public funds. This shall not preclude reimbursement for reasonable  
48 expenses.

49 [6.] 7. Any person appointed to perform guardian ad litem duties shall have completed  
50 a training program in permanency planning and shall advocate for timely court hearings  
51 whenever possible to attain permanency for a child as expeditiously as possible to reduce the  
52 effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall  
53 have access to a court appointed attorney guardian ad litem should the circumstances of the  
54 particular case so require.

210.183. 1. At the time of the initial investigation of a report of child abuse or neglect,  
2 the division employee conducting the investigation shall provide the alleged perpetrator with a

3 written description of the investigation process. Such written notice shall be given substantially  
4 in the following form:

5 "The investigation is being undertaken by the Children's Division pursuant to the  
6 requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child  
7 abuse or neglect.

8 The identity of the person who reported the incident of abuse or neglect is confidential  
9 and may not even be known to the Division since the report could have been made anonymously.  
10

11 This investigation is required by law to be conducted in order to enable the Children's  
12 Division to identify incidents of abuse or neglect in order to provide protective or preventive  
13 social services to families who are in need of such services.

14 The division shall make every reasonable attempt to complete the investigation within  
15 [thirty days, except if a child involved in the pending investigation dies the investigation shall  
16 remain open until the division's investigation surrounding the death is completed.] **forty-five**  
17 **days, except for good cause which shall be documented,** otherwise, within ninety days, **or one**  
18 **hundred and twenty days after receipt of a report of abuse or neglect involving sexual**  
19 **abuse, or when the division's investigation is complete in cases involving a child fatality or**  
20 **near-fatality,** you will receive a letter from the Division which will inform you of one of the  
21 following:

22 (1) That the Division has found insufficient evidence of abuse or neglect; or

23 (2) That there appears to be by a preponderance of the evidence reason to suspect the  
24 existence of child abuse or neglect in the judgment of the Division and that the Division will  
25 contact the family to offer social services.

26 If the Division finds by a preponderance of the evidence reason to believe child abuse or  
27 neglect has occurred or the case is substantiated by court adjudication, a record of the report and  
28 information gathered during the investigation will remain on file with the Division.

29 If you disagree with the determination of the Division and feel that there is insufficient  
30 reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you  
31 have a right to request an administrative review at which time you may hire an attorney to  
32 represent you. If you request an administrative review on the issue, you will be notified of the  
33 date and time of your administrative review hearing by the child abuse and neglect review board.  
34 If the Division's decision is reversed by the child abuse and neglect review board, the Division  
35 records concerning the report and investigation will be updated to reflect such finding. If the  
36 child abuse and neglect review board upholds the Division's decision, an appeal may be filed in  
37 circuit court within sixty days of the child abuse and neglect review board's decision."

38           2. If the division uses the family assessment approach, the division shall at the time of  
39 the initial contact provide the parent of the child with the following information:

40           (1) The purpose of the contact with the family;

41           (2) The name of the person responding and his or her office telephone number;

42           (3) The assessment process to be followed during the division's intervention with the  
43 family including the possible services available and expectations of the family.

334.950. 1. As used in this section, the following terms shall mean:

2           (1) "Child abuse medical resource centers", medical institutions affiliated with accredited  
3 children's hospitals or recognized institutions of higher education with accredited medical school  
4 programs that provide training, support, mentoring, and peer review to SAFE CARE providers  
5 in Missouri;

6           (2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's  
7 assistant licensed in this state who provides medical diagnosis and treatment to children  
8 suspected of being victims of abuse and who receives:

9           (a) Missouri-based initial intensive training regarding child maltreatment from the SAFE  
10 CARE network;

11           (b) Ongoing update training on child maltreatment from the SAFE CARE network;

12           (c) Peer review and new provider mentoring regarding the forensic evaluation of children  
13 suspected of being victims of abuse from the SAFE CARE network;

14           (3) "Sexual assault forensic examination child abuse resource education network" or  
15 "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource  
16 centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and  
17 peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this  
18 state to improve outcomes for children who are victims of or at risk for child maltreatment by  
19 enhancing the skills and role of the medical provider in a multidisciplinary context.

20           2. Child abuse medical resource centers may collaborate directly or through the use of  
21 technology with SAFE CARE providers to promote improved services to children who are  
22 suspected victims of abuse that will need to have a forensic medical evaluation conducted by  
23 providing specialized training for forensic medical evaluations for children conducted in a  
24 hospital, child advocacy center, or by a private health care professional without the need for a  
25 collaborative agreement between the child abuse medical resource center and a SAFE CARE  
26 provider.

27           3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may  
28 collaborate directly or through the use of technology with other SAFE CARE providers and child  
29 abuse medical resource centers to promote improved services to children who are suspected



30 victims of abuse that will need to have a forensic medical evaluation conducted by providing  
31 specialized training for forensic medical evaluations for children conducted in a hospital, child  
32 advocacy center, or by a private health care professional without the need for a collaborative  
33 agreement between the child abuse medical resource center and a SAFE CARE provider.

34 4. The SAFE CARE network shall develop recommendations concerning medically  
35 based screening processes and forensic evidence collection for children who may be in need of  
36 an emergency examination following an alleged sexual assault. Such recommendations shall be  
37 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed  
38 practitioners that provide emergency examinations for children suspected of being victims of  
39 abuse.

40 **5. The department of public safety shall establish rules and make payments to**  
41 **SAFE CARE providers, out of appropriations made for that purpose, who provide forensic**  
42 **examinations of persons under eighteen years of age who are alleged victims of physical**  
43 **abuse.**

431.056. 1. A minor shall be qualified and competent to contract for housing,  
2 employment, purchase of an automobile, receipt of a student loan, admission to high school or  
3 postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter  
4 for victims of domestic violence, as defined in section 455.200, or a homeless shelter, and receipt  
5 of services as a victim of domestic [and] **violence or sexual [violence] abuse**, including but not  
6 limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

7 (1) The minor is sixteen or seventeen years of age; and

8 (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of  
9 domestic violence, as defined in section 455.200, unless the child is under the supervision of the  
10 children's division or the jurisdiction of the juvenile court; and

11 (3) The minor is self-supporting, such that the minor is without the physical or financial  
12 support of a parent or legal guardian; and

13 (4) The minor's parent or legal guardian has consented to the minor living independent  
14 of the parents' or guardians' control. Consent may be expressed or implied, such that:

15 (a) Expressed consent is any verbal or written statement made by the parents or guardian  
16 of the minor displaying approval or agreement that the minor may live independently of the  
17 parent's or guardian's control;

18 (b) Implied consent is any action made by the parent or guardian of the minor that  
19 indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such  
20 actions may include, but are not limited to:

21           a. Barring the minor from the home or otherwise indicating that the minor is not  
22 welcome to stay;

23           b. Refusing to provide any or all financial support for the minor; or

24           c. Abusing or neglecting the minor, as defined in section 210.110 **or committing an act**  
25 **or acts of domestic violence against the minor, as defined in section 455.010.**

26           **2. A minor who is sixteen years of age or older and who is in the legal custody of**  
27 **the children's division pursuant to an order of a court of competent jurisdiction shall be**  
28 **qualified and competent to contract for the purchase of automobile insurance with the**  
29 **consent of the children's division or the juvenile court. The minor shall be responsible for**  
30 **paying the costs of the insurance premiums and shall be liable for damages caused by his**  
31 **or her negligent operation of a motor vehicle. No state department, foster parent, or entity**  
32 **providing case management of children on behalf of a department shall be responsible for**  
33 **paying any insurance premiums nor liable for any damages of any kind as a result of the**  
34 **operation of a motor vehicle by the minor.**

          Section 1. A foster parent shall have standing to participate in all court hearings  
2 pertaining to a child in their care.

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